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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 FEB 19 AM 9:36

UNITED STATES OF AMERICA v. RODNEY PARKER ANGELA WITTMER	**Magistrate's Case No.** '08 MJ 0451
	COMPLAINT FOR VIOLATION Title 18 USC, Section 922 (g) (1) - Felon in Possession of Ammunition Title 18 USC, Section 922 (g) (3)- Possession of Ammunition by an Unlawful User of a Controlled Substance

The undersigned complainant being duly sworn states:

COUNT 1

On February 16, 2008, within the Southern District of California, defendant Rodney Parker, a convicted felon, did possess ammunition that traveled in and affected interstate commerce, in violation of 18 United States Code, Section 922 (g) (1).

COUNT 2

On February 16, 2008, within the Southern District of California, defendants Angela Wittmer and Rodney Parker, who are both unlawful users of a controlled substance, did possess ammunition that traveled in and affected interstate commerce; in violation of 18 United States Code, Sections 922(g)(3).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Special Agent Scott Wakelin
Bureau of Alcohol, Tobacco
Firearms and Explosives

Sworn to before me and subscribed in my presence, this 19th day of February, 2008.

William McCurine Jr.
United States Magistrate Judge

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PROBABLE CAUSE STATEMENT

I, Special Agent Scott Wakelin, declare under penalty of perjury, the following is true and correct:

On February 16, 2008, ATF and ICE Special Agents conducted surveillance at a Crossroads of the West Gun Show at the Del Mar Fairgrounds, in Del Mar, California. At approximately 1:15 PM, Special Agent (SA) Wakelin observed a Hispanic male, accompanied by a white female, drive a green Mercury SUV bearing California license plate 4UPT113 into the gun show parking lot area. SA Wakelin observed the two individuals exit the vehicle and enter the gun show. SA Wakelin observed what he believed to be prison-type tattoos on the forearms and elbows of the Hispanic male.

Continuing on this date, SA Wakelin initiated a query of the California Department of Motor Vehicle (DMV) records and determined that the vehicle was registered to Rodney Parker at 6847 Springfield Street, San Diego, California 92114. In addition, the query identified Parker's California driver license as A2396532 with a date of birth of 7-22-75. SA Wakelin also obtained Parker's physical description from the records query which was found to match that of the Hispanic male driver. SA Wakelin then initiated a criminal records check of Parker in local law enforcement databases which revealed that Parker was convicted of the following two felonies: On 8-8-97, Parker was convicted of violating California Penal Code 273.5(A) – domestic violence, a felony, in the El Cajon Municipal Court. On 11-6-01, Parker was convicted of violating California Health and Safety Code 11377(A) – possession of narcotics for sale, a felony, in the Superior Court of Chula Vista. This same query revealed Parker to be a registered narcotics offender pursuant to California Health and Safety Penal Code Section 11590.

Continuing on this date, at approximately 4:30 PM, SA Wakelin observed the previously mentioned individuals, a Hispanic male and white female, proceeding to the vehicle. SA Wakelin observed each individual carrying plastic bags from the gun show. SA Wakelin noticed that the bag carried by the Hispanic male appeared to contain a box similar in shape and apparent weight to a standard box of ammunition. SA Wakelin then observed the Hispanic male, accompanied by the white female, drive the vehicle out of the gun show parking area and onto Jimmy Durante Boulevard.

Continuing on this date, San Diego Sheriff's Department (SDSD) Detective Conrad Berlinsky, initiated a traffic stop of the aforementioned vehicle as he observed that it was in violation of a California Vehicle Code regulating window tint. Detective Berlinsky obtained California driver licenses for the Hispanic male and white female. The Hispanic male was identified as Rodney Parker, born 7-22-75. The white female was identified as Angela Wittmer, born 9-29-80.

Continuing on this date, ATF SAs Wakelin and Beals contacted Parker. SAs Wakelin and Beals identified themselves to Parker as ATF Agents. SA Wakelin advised Parker that he was not under arrest and that he did not have to talk to him if he chose not to. Parker stated he understood and agreed to talk to agents. Parker stated

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CONTINUATION OF PROBABLE CAUSE STATEMENT
RE: Angela WITTMER
Rodney PARKER

that he had purchased a 50 round box of .32 caliber ammunition at the gun show. Furthermore, Parker stated that he knew he was a convicted felon and added that he purchased the ammunition for a friend. SA Wakelin advised Parker that he was under arrest for being a felon in possession of ammunition.

Continuing on this date, ATF SAs Wakelin and Beals contacted Wittmer. Wakelin and Beals identified themselves to Wittmer as ATF Agents. SA Wakelin advised Wittmer that she was not under arrest and that she did not have to talk to him if she chose not to. Wittmer stated she understood and agreed to talk to agents. Wittmer stated that she was Parker's girlfriend and that they had just attended the Del Mar Gun Show. Wittmer stated that she purchased a handgun at the show which she intended on receiving following the 10 day waiting period. Wittmer presented a receipt for the purchase of a 9mm handgun. SA Beals asked Wittmer if she knew the make and model of the handgun she had just purchased and Wittmer was unable to recall any details of the firearm. Wittmer stated that Parker had purchased ammunition from the gun show and added that it was a gift for her uncle. SAs Wakelin and Beals advised Wittmer that she was being detained and was going to be taken to ATF Field Office for questioning. SA Wakelin searched Parker prior to being transported and found one receipt for a box of .32 caliber ammunition, approximately $1,800.00 in cash, and two California driver licenses. Both licenses had his photograph depicted with one listing his true identity and the other listing another person's identity. Parker and Wittmer were transported to the San Diego ATF Field Office for questioning and processing.

Continuing on this date, SAs Wakelin, Beals and ICE SA Pryor conducted a search incident to arrest/tow inventory of Parker's vehicle. SA Beals noted that the center console was not secured to the rest of the vehicle's interior. SA Beals pulled the center consol up and discovered a loaded Ruger .45 caliber revolver. SA Wakelin found a loaded FIE .25 caliber pistol and ten rounds of .45 caliber ammunition in the same area. SA Wakelin found a box of .32 caliber ammunition inside one of the bags from the gun show. In addition, SA Wakelin found a third California driver license with Parker's photograph depicted with another person's identity listed.

Continuing on this date, SAs Beals and Wakelin conducted an interview of Wittmer. Wittmer stated that she has been addicted to methamphetamine for several years and smokes the drug about twice a day. Wittmer stated that she had smoked methamphetamine before attending the gun show. Wittmer stated that she often smokes the drug with Parker.

Continuing on this date, while being processed at the ATF Field Office, Parker stated to SA Beals that he had smoked methamphetamine before attending the gun show.

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gun show. Parker also stated to SA Wakelin that he has been using both cocaine and methamphetamine for several years.

On February 17, 2008, Special Agent Matt Beals, an Interstate Nexus Expert, researched the aforementioned ammunition and stated that it has traveled in or affected interstate commerce.

Executed on February 17, 2008

Special Agent, ATF

On the basis of the facts presented in the probable cause statement consisting of two pages, I find probable cause to believe that the defendants named in this probable cause statement committed the offense on February 16, 2008, in violation of Title 18, United States Code, Section 922 (g) (1) and 922 (g) (3).

United States Magistrate Judge
Honorable William McCurine Jr.

2/17/08, 1052hrs
Date/Time